

REMARKS

The final Office Action dated September 10, 2008 has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto. Claims 1 and 4-7 are pending. By this Amendment, Claims 1 and 5 are amended. Support for the amendments to the claims may be found at least on page 6 lines 1-4 and in Figs. 3A and 5A of the application as originally filed. Applicants respectfully submit that no new matter is presented herein.

Entry of Response Proper

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration on the part of the Examiner as the Amendment merely clarifies that the lower end of the coil spring is lower than a support part that connects the suspension arm to the vehicle body; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to objections raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

Claim Rejections -- 35 U.S.C. §102

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,456,282 to Rumpel. Claims 5-7 are rejected under 35 U.S.C. §102(b) as being anticipated by European Patent No. 0505282 to Lambert. To the extent that the

rejections remain applicable to the claims currently pending, Applicants respectfully traverse the rejections for at least the following reason(s).

Claim 1 recites a vehicular suspension system including, among other features, a coil spring with a lower end supported on a suspension arm and an upper end supported on a vehicle body, wherein the lower end of the coil spring is lower than a support part that connects the suspension arm to the vehicle body when no load other than the vehicle body weight is applied to the coil spring, and the lower end of the coil spring is on a laterally inner side of the vehicle relative to the upper end of the coil spring.

Rumpel discloses an independent rear wheel suspension system with a control arm 22 having an integrally formed spring seat 30 which seats a coil spring 31 interposed between the arm 22 and the vehicle chassis 10. The arm 22 has a bushing 35 at an inboard end 36 which pivotably connects the arm 22 to the chassis 10.

Applicants respectfully submit that Rumpel fails to disclose or suggest each and every feature recited by Claim 1. The Office Action asserts on page 2 that Rumpel discloses “a coil spring 31 supported on a suspension arm 20.” Applicants respectfully disagree. Rumpel does not disclose or suggest that the coil spring 31 is supported on suspension arm 20. Rather, Rumpel discloses that the coil spring 31 sits on a spring seat 30 that “is integrally formed in arm 22.” See Col. 2, ll. 58-60. As is depicted clearly in Fig. 2 of Rumpel, front arm 20 pivotably connects at inboard end 33 to the vehicle chassis 10 and at outboard end 40 to a wheel support member 28. The coil spring 31 is not supported in any manner on the front arm 20.

Furthermore, contrary to the Office Action assertion on page 2 that “the lower end of the coil spring 31 is lower than a support part 40 where the suspension arm 20 is supported on the vehicle body 10,” support part 40 in Rumpel corresponds to where the suspension arm 20 is supported on the wheel, not the vehicle body. Moreover, as discussed above, suspension arm 20 in Rumpel is not even the suspension arm on which the coil spring 31 is mounted. As shown in Figs. 1 and 2 of Rumpel, the lower end of the coil spring 31 is supported on the suspension arm 22. The suspension arm 22 connects to the vehicle body (chassis) 10 at inboard end 36. Therefore, the lower end of the coil spring 31 supported on the suspension arm 22 is not lower than the support part (bushing) 35 at inboard end 36 where the suspension arm 22 connects to the chassis 10.

Moreover, Rumpel teaches that the control arms are substantially transverse to the longitudinal axis of the motor vehicle (see Col. 1, ll. 64-64). Accordingly, because the spring seat 30 is integrally formed with the substantially transverse arm 22, the only time that the lower part of the spring 31 could be lower than where the transverse arm 22 connects to the chassis 10 would be during rebound movement (see Col. 3, ll. 53-56). Therefore, Rumpel does not disclose or suggest a coil spring with a lower end supported on a suspension arm and an upper end supported on a vehicle body, wherein the lower end of the coil spring is lower than a support part that connects the suspension arm to the vehicle body *when no load other than the vehicle body weight* is applied to the coil spring, as recited by Claim 1.

With respect to the Office Action argument, at the end of page 2, that Rumpel “teaches a shock absorber 26 having a lower end disposed coaxially with the coil

spring,” Applicants submit that a shock absorber is not recited by Claim 1. Regardless, Fig. 3 of Rumpel shows that the lower end 47 of shock absorber 26 is clearly not coaxial with the coil spring 31. Applicants submit that Rumpel does not disclose or suggest that the lower end of the coil spring 31 is on a laterally inner side of the vehicle relative to the upper end of the coil spring 31, as recited by Claim 1.

With respect to Claim 5, Applicants respectfully submit that Lambert fails to cure the deficiencies of Rumpel discussed above. Claim 5 recites a vehicular suspension system that includes, among other features, a coil spring having opposite ends supported in a lower spring seat on the suspension arm and in an upper spring seat on a vehicle body, wherein the lower end of the coil spring is lower than a support part that connects the suspension arm to the vehicle body and the coil spring has a middle body section that is curved along an axis between the centers of the lower spring seat and upper spring seat when no load other than the vehicle body weight is applied to the coil spring.

Lambert discloses a spring compressor that comprises two jaws 8, 9. Each jaw has a horseshoe shaped part 10 for attaching to the spring 4 and an attaching part 11 for attaching to a drive cylinder 7 for motorized compression of the spring by the jaws 8, 9. Contrary to the assertion in the Office Action on page 3, the horseshoe shaped part 10 is a semi-annular part intended to overlap about half a lap of the spring to permit compression when the jaws 8, 9 are pulled together by the drive cylinder 7. The horseshoe shaped part 10 does not correspond to an upper spring seat on a vehicle body.

Moreover, Lambert does not disclose or suggest that the lower end of the coil spring is lower than a support part that connects the suspension arm to the vehicle body when no load other than the vehicle body weight is applied to the coil spring, as similarly recited in Claims 1 and 5.

For at least the reason(s) provided above, Applicants submit that Rumpel and Lambert, either alone or in combination, do not disclose or suggest each and every one of the features recited in Claims 1 and 5. Accordingly, Rumpel and Lambert do not anticipate, nor render obvious, Claims 1 and 5. Therefore, Applicants submit that Claims 1 and 5 are allowable over Rumpel and Lambert.

Claims 6-7 depend from Claim 5. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reason(s) that Claim 5 is allowable, as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejections.

Claim Rejection -- 35 U.S.C. 103

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rumpel in view of U.S. Patent No. 5,702,122 to Satou et al. Applicants again note that a PTO-892 Notice of References Cited was not included with the current Office Action citing U.S. Patent No. 5,702,122 to Satou et al. as a newly cited reference. Applicants respectfully request that any subsequent Office Action include the Notice of References Cited listing Satou to ensure any patent issued will include the Satou reference. To the extent that the rejections remain applicable to the claims currently pending, Applicants respectfully traverse the rejection for at least the following reason(s).

Claim 4 recites a vehicular suspension system including, among other features, a shock absorber, wherein a lower end of the shock absorber is disposed coaxially with a coil spring and is connected to the knuckle forward of an axle of the rear wheel.

Rumpel is discussed above. Rumpel also discloses a shock absorber 26, but Fig.s 1 and 3 clearly show that the shock absorber 26 is not disposed coaxially with the coil spring 31. As discussed previously, Fig. 3, in particular, illustrates that no part of the shock absorber 26 is coaxial to the spring 31. Furthermore, Rumpel teaches that the shock absorber 26 is connected between the wheel support member 28 and chassis 10, while the spring seat is interposed between the transverse arm 22 and chassis 10. Coaxially disposing the shock absorber 26 with the spring 31 would only result in either the shock absorber 26 seated on the transverse arm 22 or the spring 31 connected to the wheel support member 28. As such, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to modify Rumpel to include a shock absorber, wherein a lower end of the shock absorber is disposed coaxially with a coil spring and connected to the knuckle forward of an axle of the rear wheel, as recited by Claim 4.

Satou fails to cure the deficiencies of Rumpel. Satou discloses an axle supported member 3 for a rear wheel that is supported to a suspension member 1 by an upper link 4 and a side rod 7. A forward lower link member 5 seats separately a suspension spring 8 and shock absorber 9. As can be seen clearly in Figure 1, Satou also does not teach or suggest a shock absorber, wherein a lower end of the shock absorber is disposed coaxially with a coil spring and connected to the knuckle forward of an axle of the rear wheel, as recited by Claim 4.

With respect to this 35 U.S.C. §103 rejection of Claim 4, Applicants respectfully submit that the specific factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, (1966) have not been considered or properly applied in the Office Action. When rejecting claims under 35 U.S.C. §103, an Examiner bears an initial burden of presenting a *prima facie* case of obviousness. Applicants respectfully submit that the Office Action has not made a proper *prima facie* rejection under 35 U.S.C. §103(a), because the prior art references fail to teach or suggest the present invention as recited in Claim 4.

The Office Action, on page 4, states that “it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Rumpel to have the knuckle rotate rearward to provide an improved suspension.” Applicants respectfully submit that the Office Action completely fails to respond to the arguments presented previously in the Response filed on May 19, 2008. As such, the Applicants respectfully request that the Examiner articulate why one of ordinary skill in the art would look to modify Rumpel with Satou in light of the arguments above. In particular, Rumpel and Satou, alone or by any combination, fail to teach or suggest a shock absorber, wherein a lower end of the shock absorber is disposed coaxially with a coil spring and connected to the knuckle forward of an axle of the rear wheel, as recited by Claim 4. “Rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR International Co. V. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1386 (2007) quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

For at least the reason(s) stated above, the Applicants respectfully submit that Rumpel and Satou, alone or by any combination, do not teach or suggest each element recited by Claim 4. As such, Applicants respectfully submit that one of ordinary skill in the art would not find it obvious to modify Rumpel and Satou, alone or by any combination, to arrive at the features recited by Claim 4. Accordingly, Claim 4 is allowable over Rumpel and Satou.

Applicants respectfully request withdrawal of the rejection.


Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1 and 4-7, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 107348-00493.**

Respectfully submitted,



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